

5583. Adulteration and misbranding of beans with tomato sauce. U. S. * * * v. 1,000 Cases of Beans. Product ordered released on bond. (F. & D. No. 338-e.)

On April 3, 1917, the United States attorney for the Eastern District of Michigan, acting upon a report by the Dairy and Food Commissioner of the State of Michigan, authorized by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases of beans, remaining unsold in the original unbroken packages at Lansing, Mich., alleging that the article had been shipped on March 14, 1917, by D. E. Foote & Co. (Inc.), Baltimore, Md., and transported from the State of Maryland into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that other substances, to wit, soya beans, which are commonly used as an article of stock feed and not for human food,¹ had been substituted for the beans the cases and cans were represented by the labels and branding to contain; and for the further reason that other substances, to wit, gelatin, starch, spices, and condiments had been substituted for tomato sauce therein, and that what purported to be tomato sauce therein was practically devoid of tomato substance and of the qualities of tomato sauce, and the substances aforesaid were substituted therefor, thereby lowering its quality, strength, and value.

Misbranding of the article was alleged for the reason that the labels on each case and can were false and misleading, in that such labels indicated that the beans were put up in tomato sauce, when, in truth and in fact, they were put up in a compound or mixture composed of gelatin, starch, spices, and condiments with scarcely a trace of tomato; and for the further reason that they were labeled and branded so as to deceive and mislead the purchaser thereof in that they were composed of soya beans, which are commonly used for stock food, treated and processed and put up in such a manner as to resemble beans commonly known and used as a standard article of food; and for the further reason that the labels on each case and can bore a statement, design, and device regarding the contents of the cans and cases, and the ingredients and substances contained therein, which were false and misleading in that they were calculated, designed, and devised to deceive the purchaser by leading him and inducing him to believe that the cases and cans contained standard beans, put up in standard tomato sauce, when, in truth and in fact, they contained soya beans, processed and treated so as to resemble standard beans in appearance, and instead of a tomato sauce, a substance composed of gelatin, starch, spices, and condiments.

On April 11, 1917, the said D. E. Foote & Co., having filed a claim for the release of the product, it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$4,200, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

¹ This action was reported directly to the United States attorney by State officials. In view of a possible erroneous inference from the allegations, the department states that it considers soya beans to be one of the most nutritious of the legumes when used as human food.